

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

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**IN RE: BLUE CROSS BLUE SHIELD      }      Master File No.: 2:13-CV-20000-RDP  
ANTITRUST LITIGATION                }      This document relates to all cases  
(MDL NO.: 2406)                    }**

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**ORDER APPOINTING MONITORING COMMITTEE**

This matter is before the court on an unresolved issue related to the Subscriber Settlement. To oversee compliance with the Settlement for a five-year period from the court's entry of Final Judgment and Order of Dismissal, the Settlement provided for the establishment of a Monitoring Committee. In the court's August 9, 2022 Final Order and Judgment Granting Approval of Subscriber Class Action Settlement and Appointing Settlement Administrator, the court reserved the issue of the makeup of the Monitoring Committee. (Doc. # 2931 at 89, ¶ 21). After consultation with counsel for the Settling Parties, it is **ORDERED** as follows:

Based on the record before the court, including the submissions in support of the Settlement and Objections and responses thereto, the court hereby **ESTABLISHES** a Monitoring Committee to serve and to perform the functions specified under the Settlement Agreement during the Monitoring Period. The Monitoring Committee **SHALL** be made up of: (1) Karin DeMasi, Craig Hoover, and Scott Nehs, appointed collectively by Settling Defendants; (2) David Boies, William Isaacson, and Megan Jones, appointed collectively by Settlement Class Counsel; (3) David Benck, appointed by Self-Funded Sub-Class Settlement Counsel; and (4) Edgar Gentle, appointed by the court.

The court understands that the Settlement specified a certain structure for the Monitoring Committee. The court has, in its discretion, provided for a slightly different structure of the

Committee. Importantly, however, in order to maintain the intended balance on the Committee between representatives of Subscriber Plaintiffs and the Blues, although there are four members appointed collectively by Subscribers and the Self-Funded Sub-Class, David Boies and William Isaacson **SHALL** have only one-half votes, so that the vote of the court-appointed Committee Member will still be a tie-breaking vote if the other Monitoring Committee members are deadlocked.

The court encourages the members to be frugal with their time and billing. The court appointed member of the Committee, Edgar Gentle, will prepare a committee budget for members approval.

**DONE** and **ORDERED** this December 9, 2022.



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**R. DAVID PROCTOR**  
UNITED STATES DISTRICT JUDGE